

Appl. No. 10/840,042
Docket No. 9630
Amdt. dated January 27, 2009
Reply to Office Action mailed on October 28, 2008
Customer No. 27752

REMARKS

Claim Status

Applicants acknowledge the Examiner's withdrawal of the 35 USC §103(a) rejections over U.S. Patent No. 5,990,377 to Chen et al.

Applicants have amended Claim 1 to recite that at least one of the surfaces of the wet laid fibrous structure comprises a pattern of embossments in a desired design. Support for this amendment is found in the Specification, page 10, line 9 to page 11, line 8.

Claims 1, 5, and 7-15 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(e) and/or 35 USC §103(a) Over U.S. Patent Publication No. 2004/0099388 as evidenced by U.S. Patent No. 6,740,373

Claims 1, 5, 7-9 and 11-15 are rejected by the Examiner under 35 USC §102(e) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent Publication No. 2004/0099388 to Chen et al. ("Chen") as evidenced by U.S. Patent No. 6,740,373 to Swoboda, et al. ("Swoboda"). The Examiner asserts that Chen discloses a web comprising an adhesive material covering up to about 100% of the area of the surface of the web. The Examiner asserts that Chen teaches that its adhesive material is present in a random pattern on the fibers of the web. The Examiner recognizes that Chen does not disclose the glass transition temperature of its latex. However, the Examiner uses the teachings of Swoboda as evidence that it would have been obvious that Chen's latex exhibits the claimed glass transition temperature.

Applicants respectfully submit that Chen as evidenced by Swoboda fails to teach each and every element of Claim 1, the independent claim, as amended, because Chen as

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evidenced by Swoboda fails to teach a fibrous structure having a surface comprising latex in a random pattern at a level of about 100% of the surface area of the surface and a pattern of embossments in a desired design. Contrary to the Examiner's assertions, Applicants respectfully submit that Chen fails to teach that Chen's adhesive material is randomly applied to its web. In particular, Applicants direct the Examiner's attention to Chen at page 10, paragraph 112, for example, which teaches that Chen's adhesive material is applied to its web in a predetermined pattern. Further support for Applicants' position is found in Chen at page 16, paragraph 160 and in the figures of Chen. In light of the foregoing, Applicants respectfully submit that Chen fails to teach a web comprising a latex in a random pattern on the web's surface and a pattern of embossments in a desired design.

Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by nor rendered obvious over Chen as evidenced by Swoboda. MPEP 2143.03. Further, Applicants respectfully submit that Claims 5, 7-9 and 11-15, which ultimately depend from Claim 1, as amended, are not anticipated by nor rendered obvious over Chen as evidenced by Swoboda. MPEP 2143.03.

**Rejection Under 35 USC §103(a) Over U.S. Patent Publication No. 2004/0099388
in view of U.S. Patent No. 4,507,173**

Claim 10 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Chen, discussed above, in view of U.S. Patent No. 4,507,173 to Klowak et al. ("Klowak"). The Examiner recognizes that Chen fails to teach that its latex is substantially present in the high density regions of its fibrous structure. The Examiner attempts to overcome the deficiencies of Chen by combining the teachings of Klowak, which the Examiner asserts teaches a fibrous structure comprising a binding liquid that is dispersed deeply into compressed areas (areas of higher density) , with the teachings of Chen.

Applicants respectfully submit that Claim 10, which depends from Claim 1, as amended, is not rendered obvious over Chen in view of Klowak for the same reasons that Claim 1 is not rendered obvious over Chen. MPEP 2143.03.

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Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,893,525
in view of U.S. Patent Publication No. 2005/0045294
as evidenced by U.S. Patent No. 6,740,373

Claims 1, 5, 7-9 and 12-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 6,893,525 to Schmidt et al. ("Schmidt") in view of U.S. Patent Publication No. 2005/0045294 to Goulet et al. ("Goulet") as evidenced by Swoboda, discussed above. The Examiner asserts that Schmidt discloses an embossed (patterned) air laid absorbent sheet product comprising an embossed pattern having a depth up to about 3200 microns and a latex polymer emulsion binder sprayed onto one surface or both surfaces of the web. The Examiner asserts that Goulet teaches an absorbent paper sheet that has a latex that covers from about 5 to about 90% of the surface area of at least one surface of the sheet.

Applicants respectfully submit that Schmidt in view of Goulet fails to teach each and every element of Claim 1, the independent claim, as amended, because Schmidt in view of Goulet fails to teach a wet laid fibrous structure having a surface comprising latex in a random pattern at a level of about 100% of the surface area of the surface and a pattern of embossments in a desired design.

Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Schmidt in view of Goulet as evidenced by Swoboda. MPEP 2143.03. Further, Applicants respectfully submit that Claims 5, 7-9 and 12-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Schmidt in view of Goulet as evidenced by Swoboda. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,893,525
in view of U.S. Patent Publication No. 2005/0045294 and
further in view of U.S. Patent No. 4,507,173

Claim 10 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Schmidt in view of Goulet and further in view of Klowak, all discussed above, and further in view of Klowak. The Examiner recognizes that Schmidt and Goulet fail to teach that their latex is substantially present in the high density regions

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of its fibrous structure. The Examiner attempts to overcome the deficiencies of Schmidt and Goulet by combining the teachings of Klowak, which the Examiner asserts teaches a fibrous structure comprising a binding liquid that is dispersed deeply into compressed areas (areas of higher density), with the teachings of Schmidt and Goulet.

Applicants respectfully submit that Claim 10, which depends from Claim 1, as amended, is not rendered obvious over Schmidt in view of Goulet and further in view of Klowak for the same reasons that Claim 1 is not rendered obvious over Schmidt in view of Goulet. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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By



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